

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD THAYNE MUTSCHLER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C16-281 TSZ
(related to CR14-328 TSZ)

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Respondent's motion for an order declaring that petitioner has waived his attorney/client privilege, docket no. 9, is RENOTED to March 31, 2017. The Court is not satisfied that petitioner is aware that the stay of his motion under 28 U.S.C. § 2255 has been lifted or that petitioner has received a copy of respondent's motion. When the stay was lifted, the Clerk sent a copy of the Minute Order to petitioner's residential address in Port Charlotte, Florida. Petitioner, however, was and still is incarcerated at Terminal Island Federal Correctional Institution ("FCI") in San Pedro, California. Respondent has indicated that it served a copy of its motion via first class mail to a street address for Terminal Island FCI, but the Federal Bureau of Prisons' website directs that mail for inmates be sent to a post office box.

(2) The Clerk is DIRECTED to send a copy of this Minute Order, a copy of the Minute Order entered February 16, 2017, docket no. 8, a copy of the case assignment letter, docket no. 4, and a copy of the docket to petitioner pro se via U.S. mail, addressed as follows:

Richard Thayne Mutschler, Register No. 61563-018
FCI Terminal Island
Federal Correctional Institution
P.O. Box 3007
San Pedro, CA 90733

1 (3) The Clerk is further DIRECTED to update the docket accordingly and to
2 send a copy of this Minute Order to all counsel of record, as well as to William Broberg,
3 who was appointed to represent petitioner on appeal in Case No. CR14-328 TSZ, and to
4 J. Gregory Lockwood, petitioner's former counsel of record in the criminal proceeding.

5 (4) Respondent is DIRECTED to serve another copy of its motion concerning
6 attorney/client privilege waiver on petitioner at the address set forth in Paragraph 2, and
7 to file proof of such service within three (3) days of the date of this Minute Order.

8 (5) The deadlines set forth in the Minute Order entered February 16, 2017,
9 docket no. 8, are EXTENDED as follows. Respondent's Answer to the § 2255 motion
10 shall be filed within thirty-five (35) days after the Court rules on respondent's motion
11 concerning attorney/client privilege waiver.

12 (6) Petitioner's § 2255 motion, docket no. 1, as well as petitioner's motion for
13 appointment of counsel, docket no. 2, are RENOTED to May 12, 2017.

14 Dated this 1st day of March, 2017.

15 William M. McCool
16 Clerk

17 s/Karen Dews
18 Deputy Clerk